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Clark & Sullivan Constructors, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

EDWARD E. SEELY,

Case No. 3:08-cv-00125-BES-RAM

Plaintiff,

vs.

JIM GIBBONS, CATHERINE  
CORTEZ MASTO, ROSS MILLER,  
JACKIE CRAWFORD, TONY  
CORDA, GLENN WHORTON,  
HOWARD SKOLNIK, TED D'AMICO,  
JIM BENEDETTI, ROBERT  
BANNISTER, DON HELLINGS,  
JOHN PEERY, NEVADA STATE  
PUBLIC WORKS MEMBERS, JANE  
AND JOHN DOES, SCOTT YOUNGS,  
CLARK AND SULLIVAN  
CONSTRUCTORS, INC., JANE AND  
JOHN DOES, et. al.,

**DEFENDANT CLARK & SULLIVAN'S  
EX PARTE REQUEST FOR  
EXTENSION OF TIME  
(Second Request)**

Defendants.

Defendant CLARK & SULLIVAN CONSTRUCTORS, INC. ("CLARK & SULLIVAN"), through counsel of record McDonald Carano Wilson LLP, requests a second extension of time in which to file its Reply in support of its Motion to Dismiss or, in the alternative, Motion for Summary Judgment on Plaintiff EDWARD E. SEELY's ("SEELY") Complaint. CLARK & SULLIVAN's Motion was filed on January 5, 2009 as Dkt. #86 and SEELY's Opposition was filed on May 4, 2009 as Dkt. #115. CLARK &

1 SULLIVAN likewise seeks an extension of time to file its Opposition to SEELY's Motion  
2 to Strike which was filed on May 4, 2009 as Dkt. #114. This request is made pursuant  
3 to Fed. R. Civ. P. 6(b) and LR 6-1, 6-2, and 7-5.

4 On May 4, 2009, after several lengthy extensions of time, SEELY filed his  
5 Opposition (Dkt. #115) to CLARK & SULLIVAN's Motion to Dismiss or, in the  
6 alternative, Motion for Summary Judgment and a Motion to Strike CLARK &  
7 SULLIVAN's motion (Dkt. #114). Pursuant to CLARK & SULLIVAN's first request (Dkt.  
8 #117), the Court granted an extension of time for CLARK & SULLIVAN to file its (1)  
9 Reply in support of its Motion to Dismiss or, in the alternative, Motion for Summary  
10 Judgment and (2) Opposition to SEELY's Motion to Strike (Dkt. #118) by June 5, 2009.

11 Notwithstanding the good faith efforts of counsel to meet the Court's June 5,  
12 2009 deadline, CLARK & SULLIVAN hereby requests another extension to prepare  
13 these briefs. SEELY's Opposition and Motion to Strike are lengthy (and exceed the  
14 page limit allowed by the Local Rules), handwritten, rambling and difficult to decipher,  
15 making a response difficult to prepare. Additionally, counsel for CLARK & SULLIVAN  
16 continues to be faced with multiple impending deadlines in other matters. As a result,  
17 CLARK & SULLIVAN hereby requests a second extension of time within which to file  
18 and serve its Reply in support of its Motion to Dismiss or, in the alternative, Motion for  
19 Summary Judgment and Opposition to SEELY's Motion to Strike. This second request  
20 is not sought for the purposes of delay but to address the issues set forth herein.  
21 CLARK & SULLIVAN has not sought a stipulation in this matter and files this Second  
22 Request for Extension of Time on an *ex parte* basis because the Plaintiff is  
23 unrepresented and currently a prisoner in Nevada State Prison. For all of the above  
24 reasons, CLARK & SULLIVAN respectfully asks the Court to grant this request and

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26 ///

27 ///

28 ///

1 allow CLARK & SULLIVAN to file and serve its Reply in support of its Motion to  
2 Dismiss and its Opposition to SEELY's Motion to Strike no later than June 19, 2009.

3 Dated this 3rd day of June, 2009.

4 McDONALD CARANO WILSON LLP

5  
6 By: /s/ Debbie Leonard

7 WILLIAM A.S. MAGRATH II

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11 Reno, NV 89505-2670

12 Attorneys for Defendant

13 Clark & Sullivan Constructors, Inc.

14  
15  
16 IT IS SO ORDERED.

17  
18 

19 UNITED STATES MAGISTRATE JUDGE

20 Dated: June <sup>4</sup>\_\_\_\_\_, 2009

**CERTIFICATE OF SERVICE**

I hereby certify, under penalty of perjury, that I am an employee of McDonald Carano Wilson LLP and that pursuant to LR 5-3 I caused to be electronically filed **DEFENDANT CLARK & SULLIVAN'S EX PARTE REQUEST FOR EXTENSION OF TIME (Second Request)** with the Clerk of the Court using the CM/ECF system, and I caused a copy of the same to be served by mail and/or electronic transmission, addressed to the individuals listed below at their last known addresses/email addresses as follows:

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